

REMARKSSummary of the Office Action

Claims 1-6 and 8-11 have been rejected under 35 U.S.C. § 103(a) as being obvious in view of Dakov U.S. patent 6,030,392 (hereinafter "Dakov").

Claims 1-11 have been rejected under 35 U.S.C. § 103(a) as being obvious over Dakov in view of van der Gaast U.S. patent 3,577,979 (hereinafter "van der Gaast").

Claims 1-6 and 8-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Kornberg et al. U.S. patent 5,353,804 (hereinafter "Kornberg").

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being obvious over Kornberg in view of van der Gaast.

Summary of Applicant's Reply

Claims 1, 5-7, and 9-11 have been amended to more particularly define the invention. No new matter has been added and the amendments are fully supported by the originally filed specification.

The Examiners objections and rejections are respectfully traversed.

Remarks on the § 103(a) Rejections Over Dakov

Claims 1-6 and 8-11 have been rejected under 35

U.S.C. § 103(a) as being obvious in view of Dakov.

Applicants' amended claim 1 is directed toward an apparatus for cutting an aperture in a side wall of a patient's blood vessel. The apparatus includes a hollow annular tissue-cutting catheter that is disposed annularly around a tissue-piercing structure, and is configured for movement parallel to, and for rotation about the longitudinal axis of the tissue-piercing structure to produce an annular cut through the side wall.

Dakov generally describes an annular rigid connector for hollow anatomical structures. In its specification, Dakov also generally describes a cutting instrument that creates a side opening in a hollow tubular organ. The cutting instrument is generally operated by using a barbed end 408 to pierce the outside wall of a hollow organ. The cutting cylinder 410 is then slid down the basic rod 402, cutting out the side wall of the hollow organ. The cutting instrument is then withdrawn, removing the cutout portion, which is mounted on the pointed barbed end 408. Dakov, col. 13, line 63 to col. 14, line 13 and figures 30-33.

Applicants respectfully submit that Dakov does not show or suggest a hollow annular tissue-cutting catheter that is disposed annularly around a tissue-piercing structure. The cutting instrument described in Dakov is not

a catheter. Therefore, Dakov cannot show or suggest all of the limitations of applicants' claim 1.

Accordingly, applicants respectfully submit that claim 1 and any claims that depend, directly or indirectly therefrom, is allowable over Dakov.

Remarks on the § 103(a) Rejections Over Dakov in view of van der Gaast

Claims 1-11 have been rejected under 35 U.S.C. § 103(a) as being obvious over Dakov in view of van der Gaast.

As discussed above with respect to the Section 103 rejections in view of Dakov, the cited references do not show or suggest a hollow annular tissue-cutting catheter that is disposed annularly around a tissue-piercing structure, and is configured for movement parallel to, and for rotation about the longitudinal axis of the tissue-piercing structure to produce an annular cut through the side wall. Accordingly, applicants respectfully submit that claim 1 and any claims that depend, directly or indirectly therefrom, is allowable over the combination of Dakov and van der Gaast.

Remarks on the Rejections Over Kornberg

Claims 1-6 and 8-11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the

alternative, under 35 U.S.C. § 103(a) as being obvious over Kornberg

Kornberg generally describes an annular rigid connector for hollow anatomical structures. In its specification, Dakov also generally describes an apparatus for percutaneous excisional breast biopsy, which includes a penetrating member in the form of a stylet with a tapered front end that can be guided along a localization guide wire. The apparatus uses a localizing needle to penetrate the breast, and the guide wire is slid through the localizing needle. Upon exiting the tip of the localizing needle, the guide wire expands and anchors itself in the surrounding breast tissue. A cannula is then used to cut out a biopsy specimen, which is removed. Kornberg, col. 7, line 37 to col. 8, line 30 and figures 2-6.

Applicants respectfully submit that Kornberg does not show or suggest a hollow annular tissue-cutting catheter that is disposed annularly around a tissue-piercing structure. The apparatus described in Kornberg is not a catheter. Therefore, Kornberg cannot show or suggest all of the limitations of applicants' claim 1.

Accordingly, applicants respectfully submit that claim 1 and any claims that depend, directly or indirectly therefrom, is allowable over Kornberg.

Remarks on the § 103(a) Rejection Over Kornberg in view of van der Gaast

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being obvious over Kornberg in view of van der Gaast.

As discussed above with respect to the rejections in view of Kornberg, the cited references do not show or suggest a hollow annular tissue-cutting catheter that is disposed annularly around a tissue-piercing structure, and is configured for movement parallel to, and for rotation about the longitudinal axis of the tissue-piercing structure to produce an annular cut through the side wall.

Accordingly, applicants respectfully submit that claim 7 and any claims that depend, directly or indirectly therefrom, is allowable over the combination of Dakov and van der Gaast.

CONCLUSION

In view of the amendments and remarks provided above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance are respectfully requested.

Respectfully submitted,



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